

# **OFFICE OF THE APPELLATE DEFENDER REPORT TO THE MONTANA PUBLIC DEFENDER COMMISSION**

**January 1, 2009 - July 1, 2009**

The Appellate Defender Office (ADO) took in a total of 121 new appeals during the above period. Seven cases are being handled by OPD (Program 1) attorneys; six cases have been contracted out of office; eight cases have been dismissed; and ADO (Program 2) staff attorneys are handling the remaining 100 cases. Five new post-conviction relief cases have all been contracted out of the office. Six writs of supervisory control were all handled by ADO FTE attorneys.

Currently the ADO is awaiting either transcripts or the district court record to be filed before appointment on 31 cases. There are 11 cases pending the filing of the notices of appeal and transcript requests.

In September, 2008, new procedures for transmitting cases from the district court level to the Supreme Court were initiated by the ADO. The Appellate office now files all Notices of Appeal and Transcript Requests in all OPD cases including contracted cases. This new process has allowed the ADO to have more control over when appeals are filed and therefore has significantly decreased the number of cases contracted to private attorneys. It has also allowed the ADO to review the case before ordering transcripts, which in some cases decreases the costs for transcripts that are irrelevant to the appeal. It has also lowered the number of motions to supplement the record in the appeal—which can extend the time it takes to file briefs.

The ADO is currently implementing another new procedure requiring that all attorneys (contract and FTE) scan the district court record to CD before transmitting it to the ADO for appeal. This should result in a significant savings both in shipping files back and forth between the ADO and OPD offices, and in copying files at the Supreme Court when receiving a file that is missing documents.

**Briefs filed within ADO by year:**

FY 2007	134
FY 2008	234
FY 2009	166

A total of 534 briefs filed from the period of 7/1/2006 through 6/30/2009.

There are 192 appellate cases open within the ADO.

FTE within ADO	104
Regional FTE	11
Contract	9
Post-conviction Relief	18
Writs of Supervisory Control	4
Inactive cases pending opinion	46

To date 488 cases have been closed. (This includes Appellate Cases, Writs of Supervisory Control, Post-conviction Relief Cases and all Contract Cases.)